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11 IN THE UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 v.
16 XAVIER ANTHONY ROBERTS,
17 Defendants.

CASE NO. 2:24-CR-00309 WBS
STIPULATION TO SET ARRAIGNMENT AND
EXCLUSION OF TIME
DATE: November 27, 2024
TIME: 2:00 p.m.
COURT: Hon. Allison Claire

18 Plaintiff United States of America, by and through its attorney of record, Assistant United States
19 Attorney HEIKO P. COPPOLA, and defendant XAVIER ANTHONY ROBERTS, both individually and
by and through his counsel of record, RACHELLE BARBOUR, hereby stipulate as follows:

20 1. The Complaint in this case was filed on November 8, 2024, and defendant first appeared
21 before a judicial officer of the Court in which the charges in this case were pending on November 13,
22 2024. The court set a preliminary hearing date of November 27, 2024.

23 2. On November 21, 2024, the United States filed a two count information charging the
24 defendant with Robbery of Mail Matter and Other Property of the United States in violation of 18 U.S.C.,
25 § 2114(a) and Possession of Mail Lock or Key in violation of 18 U.S.C. § 1704. The defendant
26 consented to the filing of the information and will waive indictment at arraignment on the information.

27 3. By this stipulation, the parties jointly move for an extension of time from November 27,
28 2024 up to and including December 10, 2024, at 2:00 p.m., and to set arraignment before the duty

1 Magistrate Judge on December 10, 2024. The parties stipulate that the delay is required to allow the
2 defense reasonable time for preparation as the defendant will be attending in-patient treatment beginning
3 on November 25, 2025. The government has represented that it will produce and/or make available for
4 defense counsel's review the discovery in this case, which consists of law enforcement reports, search
5 warrant affidavits, and photographs, among other things. The parties further agree that the interests of
6 justice served by granting this continuance outweigh the best interests of the public and the defendant in
7 a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

8 4. The parties agree that good cause exists for the extension of time, and that the extension
9 of time would not adversely affect the public interest in the prompt disposition of criminal cases.
10 Therefore, the parties request that the time between November 27, 2024, and December 10, 2024, be
11 excluded pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv), Local Code T-4.

12 IT IS SO STIPULATED.

13 Dated: November 22, 2024

PHILLIP A. TALBERT
United States Attorney

15 _____
16 /s/ HEIKO P. COPPOLA _____
17 HEIKO P. COPPOLA
Assistant United States Attorney

18 Dated: November 22, 2024

19 _____
20 /s/ RACHELLE BARBOUR _____
21 RACHELLE BARBOUR
Counsel for Defendant
XAVIER ANTHONY
ROBERTS

22 **FINDINGS AND [MODIFIED] ORDER**

24 The Court has read and considered the Stipulation To Set Arraignment And Exclusion Of Time,
25 filed by the parties in this matter on November 22, 2024. The Court hereby finds that the Stipulation,
26 which this Court incorporates by reference into this Order, demonstrates good cause for an extension of
27 time for the arraignment.

28 Furthermore, for the reasons set forth in the parties' stipulation, the Court finds that the interests

1 of justice served by granting this continuance outweigh the best interests of the public and the defendant
2 in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Court further finds that the extension of time would
3 not adversely affect the public interest in the prompt disposition of criminal cases.

4 THEREFORE, FOR GOOD CAUSE SHOWN:

- 5 1. The date of the arraignment is extended to December 10, 2024, at 2:00 p.m.
6 2. The time between November 27, 2024, and December 10, 2024, shall be excluded from
7 calculation pursuant to 18 U.S.C. § 3161(h)(7)(A) & § 3161(h)(7)(B)(iv) (Local Code T-4).

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9 Dated: November 22, 2024

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11 CHI SOO KIM
12 UNITED STATES MAGISTRATE JUDGE

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